



Committee of
Concerned
Scientists

August 4, 2021

Hon. Thomas A. Varlan
United States District Judge
United States District Court
Eastern District of Tennessee
800 Market Street, Suite 143
Knoxville, TN 37902

Your Honor:

The Committee of Concerned Scientists (CCS) is an independent organization of scientists, physicians, engineers, and scholars devoted to the protection and advancement of human rights and academic freedom for colleagues all over the world.

We write to express our concern about what appears to be an overzealous prosecution of Dr. Anming Hu, former University of Tennessee Professor for his alleged concealment of his affiliation with Beijing University of Technology while receiving funding from NASA. Our understanding is that the U.S. Government has failed to prove charges against Dr. Hu beyond reasonable doubt, which resulted in a hung jury and mistrial declared by you in June of this year. It is also our understanding that on July 30 the Government filed a Notice of Intent to Pursue a Retrial of Dr. Hu.

The facts of the case that have appeared in press reports suggest that numerous serious missteps have been made by government agents and by the administration of the University of Tennessee in the course of the investigation – which, if true, may well deserve investigations of their own. Dr. Hu's treatment by the Government and by the University

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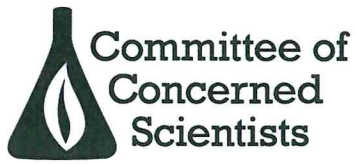
of Tennessee, which has inflicted enormous damage on him and his family, appears to be disproportionate to his violations, if any.

In the opinion of CCS, the case of Dr. Hu and many similar cases tried in the U.S. in recent years stem to a large degree from the failure of the government to clearly spell out rules related to foreign collaborations on unclassified research and the differences of these rules for different countries. Chinese American researchers have been disproportionately affected by this failure.

We understand that U.S. authorities are concerned, sometimes with justification, about efforts by Chinese authorities to illegally obtain information of a commercial or research nature using a variety of means, sometimes involving persons of Chinese nationality or origin and sometimes involving persons of other nationalities. We certainly do not condone such illegality, should it occur. However, we also do not condone the use of prosecutorial means that are themselves questionable and overzealous to the point utterly inappropriate and perhaps even constituting prosecutorial misconduct.

The CCS is especially concerned about the case of Dr. Anming Hu and similar cases of Chinese-American scientists because of our advocacy on behalf of unfairly prosecuted scientists in countries that, unlike our country, do not have independent courts.

We respectfully ask that you ensure fairness in the case of Dr. Hu. If government agents and administration of the University of Tennessee acted in bad faith, we expect you to say so as Judge James Parker did in the case of Los Alamos



scientist Wen Ho Lee. This would prevent such cases from happening elsewhere.

Sincerely,

Joel L. Lebowitz Paul H. Plotz Walter Reich Eugene M. Chudnovsky Alexander Greer

Joel L. Lebowitz, Paul H. Plotz, Walter Reich,
Eugene M. Chudnovsky, Alexander Greer
Co-Chairs, Committee of Concerned Scientists



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